IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 9157 of 2004(M)

PETITIONERS:

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1. PRABHAKARAN V.V. EXECUTIVE OFFICER OF SRI.MALLIKARJUNA TEMPLE, KASARAGOD.

2. DR.ANANTHA KAMATH, MANAGING TRUSTEE OF S.V.V.TEMPLE, KASARAGOD.

BY ADV. SRI.K.RAMAKUMAR
SRI.SARATH CHANDRAN. K
SRI.P.RAJKUMAR

RESPONDENTS:

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1. THE SENIOR DIVISIONAL MANAGER, INDIAN OIL CORPORATION, PANAMPILLY NAGAR,] KOCHI.

2. THE CHIEF ENGINEER, NATIONAL HIGHWAY, THIRUVANANTHAPURAM.

3. THE DIRECTOR, FIRE AND RESCUE SERVICES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

4. ABDUL RAHIMAN HAJI, K.V.HOUSE, ATHINHAL, P.O. MANIKKOTH, KASARAGOD.

5. THE DISTRICT COLLECTOR, KASARAGOD.

BY ADV. SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN
SRI.N.JAMES KOSHY
GOVERNMENT PLEADER SRI. V.T.K. MOHANAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF THE REPRESENTTION DATED 20.12.2003 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT AND OTHERS.

EXT.P2: TRUE COPY OF THE REPRESENTATION DATED 19.12.2003 SUBMITTED BY THE 2ND PETITIONER BEFORE RESPONDENTS 1 TO 3 AND OTHERS.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 29.11.2003 SUBMITTED BY THE 1ST PETITIONER BEFORE THE DISTRICT COLLECTOR AND OTHERS.

EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 2.12.2003 SUBMITTED BY THE 2ND PETITIONER BEFORE THE DISTRICT COLLECTOR AND OTHERS.

4TH RESPONDENT'S EXHIBITS

EXT.R4(a): TRUE COPY OF THE NOC DATED 304/2003 FROM THE DISTRICT COLLECTOR, KASARAGOD.

EXT.R4(b): TRUE COPY OF THE NOC DATED 19.4.2003 FROM THE DIVISIONAL OFFICER (FIRE & RESCUE DIVISION) KOZHIKODE.

EXT.R4(c): TRUE COPY OF THE NATIONAL HIGHWAY ACCESS PERMIT DATED 21.8.03.

EXT.R4(d): TRUE COPY OF THE BUIILDING PERMIT DATED 15.10.2003.

EXT.R4(e): TRUE COPY OF THE UNDERTAKING DATED 9.12.2003.

TRUE COPY

PA TO JUDGE.

KURIAN JOSEPH, J.

W.P. (C). NO. 9157 OF 2004

Dated this the 17th day of August, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayer:

> a) To issue a Writ of Mandamus commanding the 1st respondent not to permit the location of a Petrol Bunk in the area now fixed for so locating in view of the religious festivals conducted there and re-located it to some other place.

2. It is seen from the counter affidavit filed on behalf of the fourth respondent that due enquiries had been made in the matter and only after obtaining required statutory clearance, the location has been selected.

3. It is also seen from the counter affidavit filed by the fourth respondent that no obstruction whatsoever is caused to the conduct of the religious festivals and to that effect the parties have entered on an arrangement during the pendency of the writ petition.

In the above circumstances, this writ petition is disposed of making it clear that in case the petitioners have still any grievance left, it will be open to them to approach the fifth respondent.

KURIAN JOSEPH, JUDGE.

smp